



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 26, 1996

Ms. Judith Doran
Open Records Coordinator
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

OR96-0396

Dear Ms. Doran:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39031.

The Texas Parks and Wildlife Department (the "department") received a request for the following information relating to the position of Applications Development Director:

1. Copies of the actual interview questions with [the requestor's] responses written by the interviewer.
2. Copies of the actual references you contacted on the [the requestor's] behalf with a list of questions asked of them and their responses.
3. Copies of the grading scale rules used for this position.
4. Copies of the actual grade [the requestor] received and how that was derived.
5. Copies of all other interviewees documents that received 2nd interviews to include: their applications, resumes, interview questions and responses and grading received.
6. Copies of any other related documents for this interview process.

You claim that some of the requested information is excepted from disclosure under sections 552.111 and 552.117 of the Government Code. We have considered the exceptions you claimed and have reviewed the documents at issue.

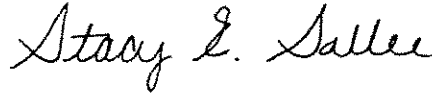
Section 552.111 excepts "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined the predecessor to the section 552.111 exception in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ), and held that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. Open Records Decision No. 615 (1993) at 5-6. In addition, section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *Id.* at 4-5. The documents here pertain solely to a personnel matter: the hiring of an employee. Therefore, the department may not withhold the requested information under section 552.111.

Section 552.117 of the Government Code excepts from public disclosure information relating to the home address, home telephone number, social security number, and information that reveals whether a current or former government employee has family members if the employee elected that such information be kept confidential. Section 552.117 requires you to withhold this information relating to an official, employee, or former employee who requested that this information be kept confidential under section 552.024. See Open Records Decision Nos. 622 (1994), 455 (1987). You may not, however, withhold this information if the official or employee made the request for confidentiality under section 552.024 after this request for the documents was made. Whether a particular piece of information is public must be determined at the time the request for it is made. Open Records Decision No. 530 (1989) at 5. It appears that the person whose application you submitted for review as a representative sample was an employee at another state agency at the time she applied for the position of Applications Development Director.¹ If the department knows or can easily ascertain whether she had requested that her employer keep this information confidential at the time the request for information was received, the department must withhold the information covered by section 552.117 of the Government Code.

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 39031

Enclosures: Submitted documents

cc: Mr. Doug Hulum
(w/o enclosures)